

## MEETING #32 – October 4

At a Joint Meeting of the Madison County Board of Supervisors and the Madison County Planning Commission on October 4, 2017 at 7:00 p.m. in the Madison County Administrative Center Auditorium located at 414 N. Main Street:

PRESENT: R. Clay Jackson, Chairman  
Jonathon Weakley, Vice-Chairman  
Robert Campbell, Member  
Kevin McGhee, Member  
Charlotte Hoffman, Member  
Jack Hobbs, County Administrator  
V. R. Shackelford, III, County Attorney  
Betty Grayson, Zoning Administrator

### Planning Commission:

Call to Order

### Pledge of Allegiance & Moment of Silence

#### 1. Determination of a Quorum

Mr. Yowell, Commission Chair, noted that a Quorum was present.

#### 2. Approval of Minutes

The minutes of the September 6, 2017 meeting were approved as presented.

#### 3. Action Items:

Mr. Yowell provided an overview of tonight's meeting process; representatives were asked to approach the podium to provide their name and any information pertinent to tonight's case; questions will be entertained by the Commission members, the public, and then the case will be recommended onto the Madison County Board of Supervisors either for approval, denial or tabling. In closing, he asked that applicants remain for the Madison County Board of Supervisors portion of tonight's meeting. All those wishing to speak were asked to limit all comments to three (3) minutes. All of tonight's cases have been extensively researched during the recent workshop session.

58-8B a. Case No. SU-10-17-16: Request by Thomas Andrew Mazzola & Nance Kathleen Mazzola, Co-Trustees of the Thomas Andrew Mazzola and Nancy Kathleen Mazzola Trust for an indefinite special use permit to operate a bed and breakfast in the existing home. This property is located on Route 696 (833 Tinsley Drive) and contains 19.564 acres of land near Radiant, zoned A-

1. A letter was received from Anthony Hurlock of VDOT to recommend approval with two (2) conditions:

- ✓ The existing private/low volume entrance shall be maintained in accordance to current VDOT specifications and standards. This includes repairing the damaged/crushed end of the pipe
- ✓ The existing private/low volume entrance does not exceed 50 vehicular trips a day
- ✓ An email was received from Julie Kerrigan (dated 9/26/17) – Virginia Health Department (discussed at the workshop)
- ✓ The Mazzola's have agreed to conditions as cited in an email dated 10/3/17 (reviewed by the commission) as follows:

1. *The permit should be for three years initially rather than indefinite, with the opportunity to apply to extend as the end of the permitted three years' approaches*
2. *The permit should be in our names, not in the name of the trust*
3. *We agree to not use our B&B for commercial weddings or events so that we can maintain the quiet and peaceful nature of our street and neighborhood*
4. *Indeed the name "Hill of Content" is in complete harmony with this limitation*

The County Attorney advised that a permit would be issued in the name of the trust since the 'trust' is the property owner (with the condition that as long as Mr. and Mrs. Mazzola reside on the property).

Thomas and Nance Mazzola were present to answer any questions pertaining to tonight's request, and advised that it was their intent to share their home with guests, and that they intend to be very good neighbors.

Mr. Yowell, Chair, noted that at the previous workshop, there was speculation as to what the applicant's intentions. As presented, it appears the applicants desire to have a B&B with no events, to which Mr. Mazzola advised was correct.

Mr. Mazzola advised that they may hire people (eventually) to work once the enterprise grows, but the intent is to allow guests, family, friends and neighbors to just 'share' the property.

Comments from the Commission:

- Peter Work: Comments focused on whether the applicant has interchanged or adhered to concerns presented by property owners regarding their ideas about the adequacy of the proposed conditions; applicants' offer of concessions to the neighbors (as noted in list of conditions [provided by the applicants]); applicant's acceptance of the condition that no commercial events will be held (i.e. B&B is considered a commercial undertaking); whether a family reunion would be allowed; property is the applicants' primary place of residence
- Fay Utz: Noted that the maximum number of guests allowed will be six (6) (i.e. and may include a couples plus children)
- Carty Yowell: Advised that during the designated period (i.e. 1-3 years) the applicant could advise that the special use permit does not provide for that type of event (i.e. family reunion)
- Pete Elliott: Questioned if each bedroom has its own bathroom; also referred to the guidelines in the definition of a 'motel' (as stated in the County's ordinance (i.e. bathroom for each bedroom and off street parking); asked why the County's ordinance isn't being followed pertaining to this specific request (i.e. everything the applicant is asking for is defined as a 'motel' [as noted in Article 20-121 of the Zoning Ordinance])

Mr. Mazzola advised that:

- ✓ Points have been shared with Mr. Alexander (and no other neighbors)
- ✓ It's uncertain if the proposed conditions are seen as being adequate (from other property owners' perspective)
- ✓ There are concerns about retaining the quiet nature of the neighborhood and keeping traffic at a minimum
- ✓ Family reunions will be seen as a gathering of family and friends
- ✓ He (and his wife) are basically on site daily
- ✓ Each bedroom has its own bathroom

Betty Grayson, Zoning Administrator, was present and referred to Article 3-2-13 regarding a 'lodge, inn or motel with interior eating facilities or overnight lodging', which falls under the same category as a B&B; a multiple search was conducted today which yielded there have been five (5) requests of this nature since 1985. The County has also had a precedence of allowing B&B's under the same category as a 'lodge and/or inn with interior eating facilities.'

The County Attorney referred to the definition of a 'motel' and that the use section is cited by the Section 3-2-13; there was also some discussion at the workshop about a 'hotel.' Wording in Section 3-2-13 defines the use as:  
"Lodge, Inn or Hotel, with interior eating facilities and overnight lodging."

He further explained that in the past, a lodge isn't defined in the County's zoning, but a 'hotel' is defined. In the past, the County has treated a B&B as the equivalent of an inn with interior eating facilities or overnight lodging.

In closing, it was noted that something needs to be done about the content in the County's ordinances, to which the County Attorney advised was completely up to the County's discretion.

Mr. Yowell, Chair, opened the floor to the public, and questioned how many people were present tonight regarding this particular issue.

- ❖ Marie Elizabeth Harper (Tinsley Drive) was present and asked if the applicant would be allowed to return later to apply for a special use permit to add additional uses, to which Mr. Yowell, Commission Chair, advised would be allowed. It was further noted that there are about thirty (30) houses already on Tinsley Drive and that the roadway is not suited to handle an extensive amount of traffic.

Mr. Yowell, Commission Chair, explained that after the initial special use permit expires (in the approved time frame), the applicants will be allowed to reapply for an additional permit and have conditions in place. Research has shown that Rappahannock County has had several issues with B&B's lately with a variety of conditions being attached (i.e. limited visitors; limited time frame for the permit to be applicable; limited hours of operation, etc.).

- ❖ Ms. Harper further advised that the roadway is narrow, curvy, and the residents do not want a commercial endeavor on the roadway; also verbalized concerns that tonight's proposed business will bring increased traffic to Tinsley Drive and interfere with how special the roadway is to its current residents.

- ❖ Clifton Mabry was present and advised of a request (to VDOT) to post speed limit signage along the roadway; also advised that the road is narrow, winding, and residents do enjoy the privacy, and ability to walk and ride bicycles; feels that an increase in traffic will present a danger to those who enjoy the use of the road.
- ❖ Jill Bethel was present and asked about the general conditions for the proposed business.

Mr. Yowell, Chair, advised that once the commission presents a recommendation, anyone with further suggestions will be allowed to present ideas during the Madison County Board of Supervisors' portion of tonight's joint session.

Comments from the Commission:

- Peter Work: Referred to the commission's desire that the applicant and Mr. Alexander could agree on conditions; also suggested the commission assess whether some common ground could be attained that would be acceptable to the neighbors and applicant.
- ❖ Tracey Williams Gardner (Economic Development Director) was present and advised that a B&B is seen as one of the cleanest/safest businesses operating today; she also noted that the industry is quiet and most operators do respect the area.
- ❖ Renae Phillips was present and verbalized concerns as to what would transpire if the applicant sold the property in the future as a commercial property; future owners may not be as efficient; future operation may bring a significant amount of traffic; suggested the special use permit remain with the Mazzola's' and not with the property.

Emphasis was verbalized as to whether the permit would be approved contingent upon the permit only be allowed for the Mazzola's'.

Mr. Yowell, Chair, advised that any conditions regarding the permit will be assessed by the commission. However, if a condition isn't added that the special use permit only goes with the applicant, then by default, it will go with the property.

- ❖ Robin Klaus was present and questioned that if the applicant isn't intending to add guests and will only have 'family/friends' come, what is the purpose of doing a B&B and the need for a special use permit; also noted that the County has nine (9) B&B's within eleven (11) miles of the proposed location, and all of them (to the best of her knowledge) are located on a main thoroughfare (i.e. Orange, off Route 15, off Route 29 [Main Street]) that can carry a higher volume of traffic; advised that she wasn't in favor of a B&B.

Mr. Yowell, Chair, stated that the applicants will be charging folks to stay at their property (as a B&B).

- ❖ Rosa Page was present and advised that Tinsley Drive is a very quiet road; advised uncertainty of what the applicant's purpose is; feels there will be many guests on the roadway which may lead to debris being tossed to the side of the roadway; advised that someone drove her front fence and destroyed it; verbalized favor of having friendly neighbors.
- ❖ Richard Gordon, Jr., was present and advised that Tinsley Drive is a quiet road; advised that the applicants didn't contact him (concerning their intent); advised that he wasn't in favor of any business operating there; also questioned if taxes will go up as a result of the proposed business.
- ❖ Ann Wood was present and asked if the special use permit will apply to the main house only or to any guest housing or other structures that may be placed on the property in the coming years; also verbalized concerns about safety and the fact that traffic will increase on the roadway (road only has one way in and one way out); advised disfavor of tonight's proposal.

After discussion, Mr. Yowell, Chair, noted that the permit will apply to the existing home only.

- ❖ Robert Bethel was present and advised that the road is suffering already and needs repair; many potholes in place; feels the roadway needs to be paved; any additional traffic will only make the roadway worse.
- ❖ Susan Jennifer was present and advised that her 93-year-old mother resides on Tinsley Drive; questioned if the additional traffic will cause the landowners to relinquish right-of-way in order to widen the road to accommodate additional traffic (i.e. vehicles cannot pass one another).

Comments from the Commission:

- Peter Work: Feels it would be appropriate for a committee of neighbors to meet with the Mazzola's' to discuss resolution of tonight's concerns; the applicants have already imposed restrictions on themselves; doesn't feel that additional traffic resulting from three (3) additional bedrooms will be very significant; questioned if tonight's application should be tabled (based on tonight's concerns).
- ❖ Jim Alexander was present and advised that he has discussed concerns with Mr. Mazzola (owners of the property for 14 years), and feels that his concerns have been met; further noted that in talking to the neighbors, their views differ from his, and it appears that their presence

tonight is a reflection of the fact that there are different viewpoints; feels it would be helpful for all parties to attain an understanding and be comfortable in knowing that a decision will not be forced upon them.

- ❖ Louise Bowers was present and advised that the business proposes to add up to fifty (50) additional vehicles on the roadway per day.

Mr. Yowell, Chair, explained that the state's procedures to estimation of 'traffic capacity.'

Betty Grayson, Zoning Administrator, referred to VDOT's comments pertaining a 'low volume entrance' that usually has up to fifty vehicles per day.

- ❖ Ruth Tinsley was present and suggested that Tinsley Drive remain as is; she has lived on this road since her youth.
- ❖ Jim Alexander returned to comment that the uses noted in the County's ordinance mentions four (4) definitions for 'lodging' which include: 1) Rooming house [long-term providing board]; 2) Tourist home [provides no meals]; 3) Motel; suggested a definition be incorporated into the ordinance to accommodate tonight's proposed item.
- ❖ Ms. Harper noted that the business will attract additional traffic; noted that Tinsley Drive doesn't want the business or the additional vehicles; advised that she walks her dogs on the roadway daily – other residents also walk the roadway; provided a history of the speed limit (i.e. 25 mph in the past); posted speed sign was destroyed in the past and the speed was recently increased to 35 mph; referred to the fact that the speed limit on George James Loop (which leads into Tinsley Drive) is now 25 mph, but 35 mph on Tinsley Drive; advised that some vehicles constantly speed along the roadway and aren't residents of Tinsley Drive.

With no further comments being brought forth from the public, Mr. Yowell, Chair, ended the public comment opportunity.

Mr. Yowell, Commission Chair, called for comments from the Commission:

After discussion, the Madison County Planning Commission recommended that Case No. SSU-10-017-16 be tabled until the Mazzola's and the neighbors can achieve an accommodation.

Mr. Yowell, Chair, referred to the following highlights found in the Comprehensive Plan of 2012:

- ✚ *County officials and citizens have regarded economic developmental tourism for considerable favor, but more needs to be done to encourage such development.*
- ✚ *Develop programs to encourage development of facilities such as hotels, motels, bed & breakfasts, restaurants, etc.*

He further noted that the current comprehensive plan draft state the intent (on the part of the County) to:

*"Promote and to the extent lawful and feasible, incentivize the development of tourism/visitor friendly businesses, including, for example, overnight accommodations (i.e. hotels, motels, B&B's Air B&B franchises, restaurants, agri-business, wineries, breweries)."*

He advised that he resides in Etlan and that Inlet Road (which runs next to his home) has a sign at the bottom of the hill indicates that a one-lane cement bridge is ahead that only accommodates one-way traffic; ditches are deep and there is no passing allowed. At the end of the roadway, there are two rental units:

- ✓ One unit sleeps 16 people
- ✓ One unit sleeps 12 people

At any given time (almost always), both properties are booked each weekend and accommodate wedding parties. Motorists along the route show a genuine interest in those who are walking and reside along the roadway; feels there is nothing that would discourage him from favoring tonight's proposed special use permit (by the Mazzola's). In closing, he noted that the signed petition (regarding tonight's proposal) was signed by thirty-two (32) people, but the petition reads that those who signed desired the following conditions which are ones that the applicant has acquiesced to. In his opinion, he suggested the Commission proceed with:

- A two year permit to go with the applicant
- The applicant will not have any events (at the property)
- Pete Elliott: Questioned if the motion will need to include the conditions cited by the applicant or the aforementioned proposal as provided (by the Commission Chair).

The County Attorney explained that the Commission should be certain the conditions are clear and concise.

- Mike Mosko: Noted that based on the wording noted in the County's Zoning Ordinance and the signed petition, tonight's proposal

cannot be rejected, as this action would result in an appeal and be unfavorable for the County

After discussion, the Madison County Planning Commission moved that Case No. SU-10-17-16 be tabled and that the applicant and committee of neighbors be encouraged to meet and report back (to the Commission) with a proposal at the November Joint Meeting (of the Madison County Planning Commission and the Madison County Board of Supervisors).

*\*Motion dies for the lack of a second\**

After discussion, the Madison County Planning Commission moved that Case No. SU-10-17-16 be recommended to the Madison County Board of Supervisors for approval with the following conditions:

- ✓ The applicant will not have any wedding events
- ✓ The permit will be for two (2) years
- ✓ The permit will be attached to the applicants (Thomas & Nance Mazzola) only
- ✓ If the property is sold, the permit will be null and void

The County Attorney suggested that the VDOT guidelines be addressed

The Madison County Planning Commission amended the original motion to included that:

- ✓ The applicant will be required to repair the pipe along the roadway as requested by VDOT

To be recommended to the Madison County Board of Supervisors for approval.

*\*At the request of Chairman Jackson, and a proper motion and second by the Madison County Planning Commission, Mr. Yowell, Commission Chair, suspended the Commission's portion of tonight's meeting\**

After the Madison County Board of Supervisors acted on Case SU-10-17-16:

Mr. Yowell, Commission Chair, called the Madison County Planning Commission back to order.

- 45-12                      b. Case No. SU-10-17-17: Request by David Warren & Louise Leigh Smith for an indefinite special use permit to allow Shentel (Shenandoah Telecommunications Company) to construct a 199' monopole style telecommunications tower (195' with a 4' lightning rod) and associated equipment within a 50' x 50' fences compound located within the 100' x 100' leased area. This property is located on Route 230 (1873 Wolfstown-Hood Road) and contains 286.703 acres of land at Hood, zoned A-1 and C-1. The 100' x 100' leased area is located in the A-1 zone.

*\*Phil Brockman and Garold Stephenson abstained\**

Mr. Yowell, Commission Chair, referred to the following:

- ✓ Condition #7:  
"Co-location position to be located at approximately 245' will not read: 'pursuant to section 14-13-6'
- ✓ Condition #5:  
"Of the Madison County Zoning Ordinance"

The conditions that Shentel has proffered contain all criteria that the Commission provided for their consideration during the recent workshop session.

Valerie Long, Attorney, was present on behalf of Shentel; noted appreciation for assistance provided by Betty Grayson, Zoning Administrator. A photo simulation map of the area was provided for review and consideration. All suggested conditions have been adhered to. The tower is designed to conform to co-location.

Mr. Yowell, Commission Chair, asked if anyone had spoken with Robert Finks, Director of Emergency Communications, to which Ms. Long advised that communication was made today.

Comments from the Commission:

- ❖ Pete Elliott: Questioned what would transpire if the tower become obsolete (10-15 years); feels tonight's proposal is a great thing for

Madison County and will enhance in the County.

Ms. Long advised that she has been working in the wireless industry for quite a few years; noted that none of the towers she has dealt with have become obsolete, but that towers are becoming more desirable for wireless carriers in order to meet every day needs. She also referred to a condition in place regarding this concern.

- ❖ Peter Work: Questioned if the County could confirm a commitment (in writing) to be included with the application; questioned if the FAA would require a light on the pole

The County Attorney advised that each time the applicant adds a condition to the use, the County has the right to request an expense for the particular use.

Ms. Long advised that the question of lighting was studied; a report from the FAA indicates that due to the pole being under 200', there is no obligation to require anything special to be in place for lighting.

Mr. Yowell, Commission Chair, referred to comments (from the FAA) included in today's correspondence with regarding to lighting on the pole.

After discussion, the Madison County Planning Commission moved that Case No. SU-10-17-17 be recommended to the Madison County Board of Supervisors for approval with the proposed conditions as noted:

1. *The tower will be a monopole made of non-reflective galvanized steel. The monopole will be no more than 195 feet in height, plus a lightning rod of no more than four (4) feet in height, for a maximum total of 199 feet in height.*
2. *There will be no lights on the monopole, unless required by federal statute, the Federal Aviation Administration, or any other federal regulations or agency.*
3. *The monopole will be designed to accommodate at least six (6) providers of wireless telecommunications facilities.*
4. *The site will be used pursuant to a site plan approved by Madison County and any approved amendment thereof.*
5. *The setback of the monopole from any public highway and adjoining property will be a minimum of 110% of the monopole's height.*
6. *The leased area enclosing the monopole and related equipment shall have a security fence to control access.*
7. *For so long as the Applicant or its successor(s) and assign(s) maintains the monopole at this location, Madison County*

*shall have a right of first refusal to a section of the monopole, specifically the fifth (5<sup>th</sup>) collocation position, located at approximately 145 feet. Madison County shall use such space on the monopole for emergency communications purposes on a rent-free basis with electric power provided free of charge, and such installations at the specified location shall not exceed twenty (20) feet in length. In addition, the monopole owner will permit Madison County to use rent-free any available space near the base of the monopole within the Applicant's lease area, not to exceed ten (10) feet by ten (10) feet, for an equipment shelter or cabinet for transmitting and receiving equipment related to the County's antenna on the monopole. If the County desires to use the monopole and lease area, the Applicant and the County shall enter into a written lease agreement for the County's use of such space prior to the commencement of any installation work by the County or the County's actual use thereof.*

*This right is contingent upon sufficient space and structural capacity for the antenna being available on the monopole at the time of the County's request without the addition of extensions or structural modifications.*

8. *Applicant will file with the Madison County Zoning Office, prior to issuance of a building permit, a letter from a licensed Professional Engineer describing how the telecommunications facility will comply with all Federal Communications Commission (FCC) health and safety guidelines with respect to radio frequency electromagnetic emissions.*
9. *Each service provider that co-locates on the monopole shall provide a similar letter, taking into account the cumulative effect of all telecommunications facilities in operation on the site.*
10. *Applicant will file with the Madison County Zoning Office, prior to issuance of a building permit, a copy of the National Environmental*

Protection Act (NEPA) letter report and the comment letter from the Virginia Department of Historic Resources State Historic Preservation Office (SHPO) for the site.

11. The Applicant shall place into use the monopole and its accessory building within six (6) months of the final completion of construction of the monopole and installation of associated ground structures and equipment. Once placed into use, the monopole and its accessory building shall be removed within 90 days if the site is not used as an operational telecommunications site for 12 consecutive months.

- 45-12 c. Case No. SP-10-17-18: Request by David Warren & Louise Leigh Smith for a site plan to allow Shentel (Shenandoah Telecommunications Company) to construct a 199' monopole style telecommunications tower (195' with a 4' lightning rod) and associated equipment within a 50' x 50' fenced compound located within the 100' x 100' leased area. This property is located on Route 230 (1873 Wolftown-Hood Road) and contains 286,703 acres of land at Hood, zoned A-1 and C-1. The 100' x 100' leased area is located in the A-1 zone. (Pending the above request for an indefinite special use permit.) The County was presented with revised conditions as provided to the Commission members.

**\*Phil Brockman and Garold Stephenson abstained\***

After discussion, the Madison County Planning Commission moved that Case No. SP-10-17-18 be recommended to the Madison County Board of Supervisors for approval.

*\*At the request of Chairman Jackson, and a proper motion and second by the Madison County Planning Commission, Mr. Yowell, Commission Chair, suspended the Commission's portion of tonight's meeting\**

*\*Mr. Yowell, Commission Chair, called the Madison County Planning Commission back to order\**

- 48-131 d. Case No. Z-10-17-19: Request by Heinz D. or Heidrun E. Wieland for a rezoning application to amend existing proffered rezoning application approved on August 10, 2004. The new rezoning application is to rezone the 34,675 acres from Conditional Business, B-1 to Conditional Business, B-1 with new proffers and a new Concept Development Plan dated August 22, 2017. This property is located off Route 29 Southbound Lane and private Madison Plaza Drive near Madison. A letter was received on September 11, 2017 from Tim Clemens, RSA, to advised that there is no sewer capacity available. A letter was also received from Adam Moore of VDOT on September 22, 2017 that noted:

1. The intersection as shown with Madison Plaza Drive is acceptable as is, but would likely preclude Madison Plaza Drive from being eligible in the state roadway system, as it does not currently meet the corner clearance standards
2. Any required intersection improvements with the connection to Route 29 will be identified, evaluated upon submission of a site plan that states both right and left lanes may be required. (i.e. refers to a possible entrance down across the old Mountain View Chevrolet property)

Bill Gentry was present on behalf of the applicant, and called for any questions pertaining to tonight's request. He advised that the property has no sewer capacity. his property is located on Southbound area of the development plan.

Questions from the Commission:

- ❖ Pete Elliott: Questioned if (anyone felt) that 'something would happen' in the future (i.e. professional business

Mr. Gentry advised that there has been some general interest to relocate a private business (from Charlottesville) to the location; a business partner (of Marvin Hinchey) has also shown some interest in the past (i.e. private contractor); all discussions are on hold temporarily until tonight's proposal can be resolved, all discussions are temporarily on hold. If tonight's proposal is approved, work will be initiated (by Mr. Hinchey's office) to work on the south entrance to the property (in accordance with VDOT regulations); property will be developed with private septic (i.e. no public sewer/septic) is in place. Also noted that the County lost population during the last census. Feels if the county starts doing something now, it will provide a good plan for the future.

- ❖ Peter Work: Questioned if the applicant will be required to install a 'run off' road off Route 29

Mr. Gentry explained that the plan will likely involve a decal lane being installed (along Route 29) as a commercial decal lane cross over; emphasis was verbalized on the proposed infrastructure, and to extend the road based upon the state requirements



in order for the roadway to be added to the state roadway system. He also noted that once the design work is underway (with RSA, Inc.) the size of the waterline will be discussed, which he feels may also accommodate the Estes property along Main Street.

Comments from the public:

- Tracey Gardner was present and verbalized favor of tonight's proposal; this will enhance economic development in the County

After discussion, the Madison County Planning Commission moved that Case No. Z-10-17-19 be recommended to the Madison County Board of Supervisors for approval.

31-310 e. Case No. S-10-17-20: Request by Thomas Lee & John F. Bosserman, Trustees of the Bosserman Family Trust for a plat of a subdivision of land to create one (1) lot with residue on Tax Map 31-30 and two (2) boundary adjustments with existing lots on Tax Map 31-30B and 31-30C. These properties are located off Route 603 (Hebron Valley Road) near Madison, zoned A-1. The proposal has VDOT and Madison Health Department approval.

John Bosserman, applicant, was present to answer any questions pertaining to tonight's proposal.

After discussion, the Madison County Planning Commission moved that Case No. S-10-17-20 be recommended to the Madison County Board of Supervisors for approval.

66-9 f. Case No. SP-10-17-21: Request by Woodberry Forest School for a site plan for Hanes Hall Renovation to convert the existing library into a dormitory. This property is located off Route 15 (James Madison Highway) near Woodberry Forest and contains 742.97 acres of land, zoned A-1. Correspondence was received from VDOT dated September 12, 2017 – nothing has been heard since that time. A letter was received from Gene Lewis, Director of Facilities, that noted that renovation of the library facility into a dormitory will have minimum impact on current water and waste water, and that Woodberry Forest feels the usage will be within state requirements, as expressed and provided during the workshop session. The facility isn't increasing student population at this time.

Clint Shifflett (Timmons' Group) was present on behalf of the applicant and to answer any questions pertaining to tonight's proposal.

Questions from the Commission:

- ❖ Peter Work: Questioned whether there is any anticipation of a negative reaction from VDOT

Mr. Shifflett advised that the site plan proposes two (2) porches; there is no anticipation of anything negative to come from VDOT on tonight's proposal.

- ❖ Pete Elliott: Noted that the property is located off Route 15; the proposed work will not have any impact on roadway traffic

After discussion, the Madison County Planning Commission moved that Case No. SP-10-17-21 be recommended to the Madison County Board of Supervisors for approval.

Mr. Yowell, Commission Chair, reminded the members of:

- ✚ The workshop session scheduled for October 18th at 7:00 p.m.
- ✚ A public hearing to discuss the goals and implementation strategies included in the comprehensive plan
- ✚ A committee will be assigned to study "Use – Seasonal/Brief"
- ✚ Possible discussion will focus on County ordinances with regard to health department and VDOT approval requirements

The County Attorney questioned if the governing board desired to hold one initial public hearing session (i.e. family division [Subdivision Ordinance] all other amendments [Zoning Ordinance]).

After discussion, it was recommended that all ordinance changes be combined during one initial public hearing session during



the November 1, 2017 Joint Meeting session.

#### 4. Adjournment:

With no further action being required, Mr. Yowell, Chair, adjourned the Madison County Planning Commission's portion of tonight's session.

#### Board of Supervisors

Call to Order

*Chairman Jackson called the Madison County Board of Supervisors to order.*

#### 1. Determine Presence of a Quorum

#### 2. Adoption of Agenda

Supervisor Weakley moved that the Board approve the Agenda as presented, seconded by Supervisor Hoffman. Ayes: Jackson, Weakley, Campbell, McGhee, Hoffman. Nays: (0).

#### 3. Action Items:

58-8B a. Case No. SU-10-17-16: Request by Thomas Andrew and Nance Katherine Mazzola.....

Chairman Jackson opened the floor to the public.

- ❖ Marie Harper called for clarification to the special use permit (i.e. indefinite) and also noted that the citizens knew nothing about the proposal; most citizens (along Tinsley Drive) are not in favor of tonight's proposal to initiate a B&B along Tinsley Drive
- ❖ Jim Alexander was present and referred to the petition with regard to any type of approval of tonight's proposal.
- ❖ Renae Phillips also called for clarification as to what would happen with the special use permit in the event the applicant should sell the property.

Chairman Jackson noted that the Board of Supervisors will work off of the recommendation as presented by the Madison County Planning Condition:

- ✓ The applicant will not have any commercial events
- ✓ The permit will be for two (2) years
- ✓ The permit will be attached to the applicants (Thomas & Nance Mazzola) only
- ✓ If the property is sold, the permit will be null and void
- ✓ the applicant be required to repair the pipe along the roadway as requested by VDOT,

Comments from the Board:

- *Chairman Jackson: Referred to the motorists traveling 50 mph on Tinsley Drive and questioned who they are coming to visit or are they passing along the roadway twice at this rate of speed; agreed with comments made by the Commission Chair; also noted there are some things the applicants can do that will have a high impact and that can be done 'by right' in an A-1 zone; referred to other B&B's located in the County; noted that personal property rights is a huge issue; feels that if a person owns a piece of land, they should be able to do as they desire with it; doesn't feel that a three-bedroom B&B will pose that much of a problem*
- *Supervisor Campbell: Verbalized concerns (at the workshop session) regarding discussions about a motel, and the fact that the County relies on two (2) County employees to make determinations as to what they believe the County's ordinances say; noted that the Commission is appointed by the Board of Supervisors who were elected to govern the County; suggested that any interpretations should be provided by the Commission, not the Zoning Administrator or the County Attorney, unless asked a specific question that deals with the law; feels the applicants will be good neighbors if given the chance; also noted that he doesn't believe that property owners should be told what they can or can't do by employees who are paid by County tax dollars; urged the citizens to show up and participate in the local government process*
- *Supervisor McGhee: Advised that he has resided in the County all of his life; noted that the residents have to try to be good neighbors; noted that not all citizens on Tinsley Drive grew up along the road, but have gotten to know the other residents; also referred to comments cited from the comprehensive plan to promote economic development in the County pertaining to businesses; feels that a B&B would have to be extremely busy to bring forth an extensive amount of property; also urged folks to be careful when driving along County roadways; advised favor of the proposal presented by the Mazzola's*
- *Supervisor Hoffman: Referred to the signed petition that included: 1) Seventeen (17) residents from Tinsley Drive; 2) One (1) from George James Loop; and the others were from Lost Mountain Road and other surrounding areas; advised that she made two (2) trips on Tinsley Drive (late afternoon), stopped in front of a residence and didn't see anything but woods; feels the area would make a*

*beautiful place for a wedding event; only met 3-5 vehicles during each visit and none were traveling too fast; doesn't see that traffic would be a problem with the proposed B&B; advised of being in favor of property rights – feels the applicant doesn't have to notify surrounding residents as he has the right to propose the B&B; advised favor of the proposal as presented*

- *Supervisor Weakley: Noted that traffic does change along roadways over the years; motorists don't always drive as safely as they should; advised that the applicants do have rights; noted that studies done through the Central Virginia Partnership for Economic Development has noted that the County's niche is agricultural; advised that many of the requested concessions have been respectfully presented; noted that he has resided in the County all of his life and doesn't know most of the people along his roadway due to many having moved out; feels there is some common ground regarding tonight's proposal, as most folks aren't always very neighborly; noted favor of tonight's proposal with the recommended conditions*

Supervisor Weakley moved that the Board approve Case No. SU-10-17-16 with conditions as recommended by the Madison County Planning Commission, seconded by Supervisor Hoffman.

Discussion:

- *Supervisor Campbell: Expressed an interest in traveling along Tinsley Road in the future; feels that Tinsley Road can continue to be a friendly part of the County; feels residents and the Mazzola's will be able to work out all concerns*
- *Chairman Jackson: Noted that the Board understands the concerns of the citizens along Tinsley Road*

*Ayes: Jackson, Weakley, Campbell, McGhee, Hoffman. Nays: (0).*

*\*At the request of Chairman Jackson, and a proper motion and second by the Madison County Planning Commission, Mr. Yowell, Commission Chair, suspended the Commission's portion of tonight's meeting\**

*Chairman Jackson called the Madison County Board of Supervisors back to order.*

45-12 b. Case No. SU-10-17-17: Request by David Warren & Louise Leigh Smith.....

Supervisor Campbell: Advised that the application fee is \$1,500.00 and the fee for the next case is \$500.00, and asked for clarification for the difference in fees.

Betty Grayson, Zoning Administrator, advised that the Madison County Board of Supervisors approved the current zoning fee schedule in July 2008, as recorded.

- *Supervisor Weakley: Referred to the Broadband Committee and feels the monopoly is very much needed in the County.*

Supervisor Campbell moved that the Board approve Case No. SU-10-17-17 as recommended by the Madison County Planning Commission, and assess a reduction (\$1,500.00 to \$500.00 for the indefinite special use permit) as noted.

**\*Motion died for the lack of a second\***

Supervisor Weakley moved that the Madison County Board of Supervisors approve Case No. SU-10-17-17 as recommended by the Madison County Planning Commission (*with proffered conditions*) seconded by Supervisor Hoffman. *Ayes: Jackson, Weakley, Campbell, McGhee, Hoffman. Nays: (0).*

45-12 c. Case No. SP-10-17-18: Request by David Warren & Louise Leigh Smith .....

Comments:

- *Supervisor Weakley: Noted there are many zones (in the County) that need this service; expressed appreciation to the property owners who are allowing a portion of their land to accommodate tonight's proposed use*

Supervisor Campbell moved that the Madison County Board of Supervisors approve Case No. SP-10-17-18 as recommended by the Madison County Planning Commission, seconded by Supervisor McGhee. *Ayes: Jackson, Weakley, Campbell, McGhee, Hoffman. Nays: (0).*

*\*Mr. Yowell, Commission Chair, called the Madison County Planning Commission back to order\**

48-131 d. Case No. Z-10-17-19: Request by Heinz D. or Heidrun E. Wieland.....

Bill Gentry was present on behalf of the applicant to answer any questions. He noted that the proposal may call for three (3) vehicles per day at the property. He also noted that it's highly unlikely that a future fast food restaurant would be in place at the location, but if so, the owner(s) will be required to meet all VDOT regulations as compiled from a study analysis.

Comments from the Board:

- *Supervisor Weakley: Expressed appreciation of today's proposal*
- *Supervisor Campbell: Referred to business proffers and why these types of concerns are brought before the governing Board (as opposed to the Madison County Planning Commission) [i.e. zoning fees totaling \$2,000.00]*

Supervisor McGhee moved that the Madison County Board of Supervisors approve Case No. Z-10-17-19 as recommended by the Madison County Planning Commission, seconded by Supervisor Weakley. Ayes: Jackson, Weakley, Campbell, McGhee, Hoffman. Nays: (0).

31-30 e. Case No. S-10-17-20: Request by Thomas Lee & John F. Bosserman.....

Comments from the Board:

- *Supervisor Campbell: Referred to the zoning fees charged (totaling \$1,650.00) to the applicant*

Supervisor Campbell moved that the Madison County Board of Supervisors approve Case. S-10-17-20 as recommended by the Madison County Planning Commission, seconded by Supervisor Hoffman. *Ayes: Jackson, Weakley, Campbell, McGhee, Hoffman. Nays: (0).*

66-8 f. Case No. SP:10-17-21: Request by Woodberry Forest School.....

Comments from the Board:

- *Supervisor Campbell: Referred to the fact that VDOT approval isn't needed on this case; feels the County should refrain from placing hurdles in place that hinder folks from doing certain things in the County*

Clint Height (Tanner's Road), was present and questioned if Woodberry Forest School has extra libraries in place

Chairman Jackson: Advised that the campus of Woodberry Forest School is beautiful and is a fantastic place in a fantastic neighborhood; also noted that the school is the best neighbor in Madison County (i.e. exemplary scholastics);

The County Attorney explained that:

- ✓ The existing library was the old dining hall
- ✓ A new dining hall has now been build
- ✓ The old library has been turned into a dormitory

Comments were made regarding the County's library, to which it was advised that the County does provide funding to the local facility.

Supervisor Weakley moved that the Board approve Case No SP-19-17-32 as recommended by the Madison County Planning Commission, seconded by Supervisor Campbell. *Ayes: Jackson, Weakley, Campbell, McGhee, Hoffman. Nays: (0).*

#### **4. Information/Correspondence:**

##### **Miscellaneous:**

Supervisor Campbell referred to traffic studies for events and suggested that Joel DeNunzio, VDOT, be contacted to evaluate other events that are transpiring in the County to assess safety concerns; also referred to special events, campgrounds, multiple large numbers of vehicles at multiple weekend events, and suggested the Board look towards being fair and not showing favoritism towards any local business(es).

Chairman Jackson explained that Mr. DeNunzio (VDOT) is assessing some safety limitations need to be removed (for an existing business); noted that there are efficiencies present for every local business and intersection, and feels this will create more of a problem, which gives him concern.

**5. Closed Session (if necessary):** None.

#### **6. Adjournment**

With no further action being required, on motion of Supervisor McGhee, seconded by Supervisor Weakley, Chairman Jackson adjourned the meeting.

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R. Clay Jackson, Chairman  
Madison County Board of Supervisors

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**Agenda**  
**Regular Meeting (#1)**  
**Madison County Board of Supervisors**  
**Wednesday, October 4, 2017 at 7:00 p.m.**  
**County Administration Building, Auditorium**  
**414 N Main Street, Madison, Virginia 22727**



**Call to Order**

**Pledge of Allegiance & Moment of Silence**

1. Determine Presence of a Quorum
2. Approval of Minutes
3. Action Items:

58-88

a. Case No. SU-10-17-16: Request by Thomas Andrew & Nance Kathleen Mazzola, Co-Trustees of the Thomas Andrew Mazzola and Nancy Kathleen Mazzola Trust for an indefinite special use permit to operate a bed and breakfast in the existing home. This property is located on Route 696 (833 Tinsley Drive) and contains 19.564 acres of land near Radiant, zoned A-1.

45-12

b. CaseNo.SU-10-17-17: Request byDavidWarren&LouiseLeighSmith for anindefinite special use permit to allow Shentel (Shenandoah Telecommunications Company to construct a 199' monopole style telecommunications tower (195' with a 4' lightning rod) and associated equipment within a 50' x 50' fenced compound located within the 100' x 100'leased area. This property is located on Route 230 (1873 Wolftown-Hood Road) and contains 286.703acres of/andatHood,zonedA-1andC-1. The100'x100'leased area is located inthe A -1zone.

45-12

c. CaseNo.SP-10-17-18: Request by DavidWarren&Louise LeighSmith forasiteplan to allow Shentel (Shenandoah Telecommunications Company) to construct a 199'monopole Style telecommunications tower (195' with 4' lightning rod) and associated equipment within a 50' x 50' fenced compound located with the 100'x 100'leasedarea. This property is located on Route 230 (1873 Wolftown-Hood Road) and contains 286.703acres of/and at Hood, zonedA-1 andC-1. The 100'x JOO' leased area is located in theA-1 zone. (Pending the above request for an indefinite special use permit)

48-131

d. CaseNo.Z-10-17-19: Request byHeinzD.orHeidrun E. Wieland forare zoning application to amend existing proffered rezoning application approved on August 10, 2004. The new rezoning application is to rezone the 34.675 acres from Conditional Business, B-1 to Conditional Business, B-1 with new proffers and a new Concept Development Plan dated August 22, 2017. This property is located off Route 29 Southbound Lane and private Madison Plaza Drive nearMadison.

31-30

e. CaseNo.S-10-17-20: Request by ThomasLee & JohnF. Bosserman, TrusteesoftheBosserman FamilyTrust for a plat of a subdivision of/and to createone (1) lot with residue on Tax Map 31-30 and two (2) boundary adjustments with existing lots on Tax Map 31-30Band 31-30C. These properties are located off Route 603 (Hebron Valley Road) near Madison, zoned A-1.

66-8

f. Case No. SP-10-17-21: Request by Woodberry Forest School fora site plan for Hanes Hall Renovation to convert the existing library into a dormitory. This property is located off Route 15 (*James Madison Highway*) near Woodberry Forest and contains 742.97acresofland, zoned A-1.

**4. Adjournment**

## **Board of Supervisors**

### Call to Order

1. Determine Presence of a Quorum
2. Adoption of Agenda
3. Action Items:
  - 58-8B a. Case No. SU-10-17-15: Request by Thomas Andrew & Nance Kathleen Mazzola, Co-trustees....
  - 45-12 b. Case No. SU-10-17-17: Request by David Warren & Louise Leigh Smith.....
  - 45-12 c. Case No. SP-10-17-18: Request by David Warren & Louise Leigh Smith....
  - 48-131 d. Case No. Z-10-17-19: Request by Heinz D. Or Heidrun E. Wieland ....
  - 31-30 e. Case No. S-10-17-20: Request by Thomas Lee & John F. Bosserman....
  - 66-8 f. Case No. SP-10-17-21: Request by Woodberry Forest School....

### 4. Information/Correspondence (if any)

### 5. Closed Session (if necessary)

### 6. Adjournment